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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,791	01/03/2007	Henry Starke	246472009900	5875
25227 7590 12/22/2010 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102				
EXAMINER LEBASSI, AMANUEL				
ART UNIT 2617		PAPER NUMBER		
NOTIFICATION DATE 12/22/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/576,791

Applicant(s)

STARKE ET AL.

Examiner

AMANUEL LEBASSI

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bengelt et al. US 20020087992 in view of McKenna et al. US 20040142658.

Regarding claim 14, Bengelt discloses a system for connecting a cellular telephone located in a mobile vehicle to a stationary mobile telephone network **(abstract where mobile system disposed on each mobile platform such as aircraft)**. Bengelt discloses at a stationary position, (a) a device for transmitting and receiving IP data to and from a corresponding device of the vehicle **(paragraph [0034] where internet protocol (IP) packets are being transmitted from the ground station where IP packets from the ground station are referred to as a "forward link" transmission)**, (b) a device for converting the IP data into mobile data and conversely **(paragraph [0026] where ground station 22 in bi-directional communication with a content center 24**

and a network operations center (NOC) 26), and (c) a device for transmitting and receiving the mobile data to and from the stationary mobile radio network; and on board the vehicle, (d) a device for transmitting and receiving IP data to and from a ground station (paragraph [0034] where internet protocol (IP) packets are being transmitted from the transmit antenna 74 of each mobile system 20 in the aircraft) (e) at least one mobile radio base station, configured to generate at least one local mobile radio cell, wherein the local mobile radio cell does not depend on a position of the vehicle relative to a ground based stationary mobile radio network (paragraph [0032] and [0036] where local area network (LAN) 56 is used to interface the server 50 to a plurality of access stations 88 associated with each seat location on board the aircraft therefore generate at least one local mobile radio cell, wherein the local mobile radio cell does not depend on a position of the vehicle relative to a ground based stationary mobile radio network), and (f) a device for converting the mobile radio data into the IP protocol and conversely and for transmitting and receiving the mobile radio data to and from the radio base station (paragraph [0034] where the data content is preferably formatted into Internet protocol (IP) packets before being transmitted from the transmit antenna 74 of each mobile system 20 therefore a device for converting the mobile radio data into the IP protocol). Bengelut is silent on disclosing converting the IP data into mobile radio data and a device for

transmitting and receiving the mobile radio data to and from the stationary mobile radio network.

McKenna teaches converting the IP data into mobile radio data and a device for transmitting and receiving the mobile radio data to and from the stationary mobile radio network (**Fig.7 and Fig.8, where he Data Router and Port Manager (DRPM) 826 also converts the IP data traffic carried on the air to ground system into conventional circuits for the interfaces to the respective Base Station Controller subsystems 831-834 for each technology. These include base station controllers and packet data servers for GSM 831, CDMA 832 and iDEN 833, 834).**

At the time of invention, it would have been obvious to a person of ordinary skill to modify the invention of Bengelt and add that of McKenna. The motivation would be to enable wireless subscriber stations to receive consistent wireless communication services in both the terrestrial (ground-based) and non-terrestrial regions (**paragraph [0002]**).

Regarding claim 15, Bengelt discloses wherein the mobile radio base station forms a mobile radio pico cell on board the vehicle (**see Fig. 2**).

Regarding claim 16, Bengelt discloses wherein the connection between the device (b) and the device (c) is established via the intranet of the vehicle (**see Fig. 2 –LAN 56**).

Regarding claim 17, Bengelt discloses wherein the device (b) comprises an IP call manager (**paragraph [0036]**).

Regarding claim 18, McKenna teaches wherein the device (c) is configured for transmitting or receiving via one or more switching stations (**Fig. 9- MSC841, 844 and 845**).

Regarding claim 19, Bengelt discloses wherein the switching stations comprise satellites (**see Fig. 1**).

Regarding claim 20, Bengelt discloses wherein the device (d) is configured for transmitting or receiving via one or more switching stations (**see Fig. 1**).

Regarding claim 21, Bengelt discloses wherein the switching stations comprise satellites (**see Fig. 1**).

Regarding claim 22, Bengelt discloses wherein the connection between the device (d) and the device (e) is established via the Internet (**see Fig. 2**).

Regarding claim 23, Bengelt discloses wherein the connection between the device (d) and the device (e) is established via the Internet (**see Fig. 2**).

Regarding claim 24, Bengelt discloses wherein the device (e) comprises an IP call manager (**paragraph [0036]**).

Regarding claim 25, McKenna teaches wherein the device (f) transmits or receives the mobile radio data wirelessly or wire-connected to or from the stationary mobile radio network (**see Fig. 8**).

Regarding claim 26, McKenna teaches comprising a plurality of devices (e) and (f) which are arranged spatially spaced apart in areas of different stationary mobile radio networks(**paragraph [0006]**).

Regarding claim 27, Bengelt discloses a method for connecting a cellular phone located in a mobile vehicle to a stationary mobile radio network (**abstract where mobile system disposed on each mobile platform such as aircraft**). Bengelt discloses (a) logging-in the cellular phone at a local mobile radio cell which is formed by a mobile radio base station arranged on board the vehicle (**see Fig. 2 where users 88 log into computer/PDA/cell phone**); (b) converting the mobile data into IP data and conversely (**paragraph [0034] where the data content is preferably formatted into Internet protocol (IP) packets before**

being transmitted from the transmit antenna 74 of each mobile system 20 therefore a device for converting the mobile radio data into the IP protocol); (c) transmitting or receiving the IP data to or from a ground station (**paragraph [0034] where internet protocol (IP) packets are being transmitted from the transmit antenna 74 of each mobile system 20 in the aircraft**); (e) converting the IP data into mobile data and conversely (**paragraph [0026] where ground station 22 in bi-directional communication with a content center 24 and a network operations center (NOC) 26**); and (f) transmitting or receiving the mobile radio data to or from the stationary mobile radio network wherein the local mobile radio cell does not depend on a position of the vehicle relative to a ground based stationary mobile radio network (**paragraph [0032] and [0036] where local area network (LAN) 56 is used to interface the server 50 to a plurality of access stations 88 associated with each seat location on board the aircraft therefore generate at least one local mobile radio cell, wherein the local mobile radio cell does not depend on a position of the vehicle relative to a ground based stationary mobile radio network**).

Bengeult is silent on disclosing converting the IP data into mobile radio data and a device for transmitting and receiving the mobile radio data to and from the stationary mobile radio network.

McKenna teaches converting the IP data into mobile radio data and a device for transmitting and receiving the mobile radio data to and from the stationary mobile radio network (**Fig.7 and Fig.8, where he Data Router and**

Port Manager (DRPM) 826 also converts the IP data traffic carried on the air to ground system into conventional circuits for the interfaces to the respective Base Station Controller subsystems 831-834 for each technology. These include base station controllers and packet data servers for GSM 831, CDMA 832 and iDEN 833, 834).

Regarding claim 28, Bengelt discloses wherein the mobile radio base station forms a GSM pico cell onboard the vehicle (see Fig. 2).

Regarding claim 29, Bengelt discloses wherein the mobile radio data is either (i) GSM (Groupe Sp6cial Mobile or "Global System for Mobile communications") or (ii) UMTS (Universal Mobile Telecommunications System) data (see Fig.8).

Regarding claim 30, Bengelt discloses wherein the local mobile radio cell is a GSM pico cell onboard the vehicle (see Fig. 2).

Regarding claim 31, Bengelt discloses wherein the mobile radio data is either (i) GSM (Groupe Special Mobile or "Global System for Mobile communications") or (ii) UMTS (Universal Mobile Telecommunications System) data (see Fig.8).

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

2. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amanuel Lebassi, whose telephone number is (571) 270-5303. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for

the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amanuel Lebassi

/A. L./

12/09/2010

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617

